

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor

Plaintiff,

v.

Civil Action No. 4:14-CV-997-O

DALLAS-FORT WORTH DOMICILE,
ALLIED PILOTS ASSOCIATION,

and

ALLIED PILOTS ASSOCIATION,
NATIONAL HEADQUARTERS,

Defendants.

AMENDED AGREED MOTION FOR ENTRY OF CONSENT DECREE

This case, brought by the Secretary of Labor, concerns a 2014 election of union domicile officers conducted by the Allied Pilots Association (which is the union representing the American Airlines pilots) and its Dallas-Fort Worth Domicile—specifically, whether the 2014 Dallas-Fort Worth Domicile officer election complied with certain requirements of the Labor-Management Reporting and Disclosure Act of 1959 (the “LMRDA”), 29 U.S.C. §§ 481 *et seq.* Under the LMRDA, the statutory remedy if the Court were to find a violation affecting the outcome of the election would be for the Court to direct the conduct of a new election under the supervision of the Secretary, with the Court thereafter entering a decree declaring that the persons certified by the Secretary

have been elected the officers of the union. *See* 29 U.S.C. § 482(c). The defendants have denied the Secretary's allegations of impropriety in the election at issue. In this case, however, to avoid further litigation the parties—including with respect to the defendants both the Allied Pilots Association represented by its counsel and the Dallas-Fort Worth Domicile as represented by its newly substituted counsel—have agreed to a settlement under which the results of the 2014 Domicile election will remain in effect and the union will conduct a new Domicile election to be supervised by the Secretary and held in early 2016. Because this new settlement has been agreed to by all the parties (including the Dallas-Fort Worth Domicile as represented by its new counsel) and supersedes the settlement agreement previously filed with the Court, the (new) settlement agreement effectively moots all issues surrounding the Dallas-Fort Worth Domicile's objection to the (old) settlement agreement and this Court's order that the Dallas-Fort Worth Domicile provide additional briefing setting forth its arguments and standing to object to the (old) settlement.

Consistent with the statutory scheme and the practice in other LMRDA election cases, the results of the supervised election would then be certified to this Court for entry of final judgment. *See Chao v. Allied Pilots Ass'n*, No. 4:05-CV-338-Y (N.D. Tex. June 13, 2007) (Means, J.) (Doc. 73, Consent Decree and Order retaining jurisdiction in LMRDA action in which the parties agreed to conduct a supervised election); *Chao v. Local 6143*, No. SA-04-CA-0055-XR (W.D. Tex. Jun. 13, 2005) (Rodriguez, J.) (Doc. 24, same). Accordingly, the parties respectfully request that the Court enter a consent decree specifying that:

- (1) this action be administratively closed, but that the Court retain jurisdiction for the purpose of ensuring that the supervised 2016 election is conducted in accordance with the terms and conditions of the parties' Amended Stipulation of Settlement and with the LMRDA and, insofar as lawful and practicable, the Allied Pilots Association ("APA") Constitution and Bylaws and to resolve any disputes concerning the parties' Amended Stipulation of Settlement¹;
- (2) no further action will be taken regarding the disputed 2014 election;
- (3) any challenges or disputes concerning the conduct of the supervised 2016 election will be determined in the first instance by the Department of Labor ("DOL"), subject to review by the Court at the request of the APA or the Dallas-Fort Worth Domicile of the APA ("DFW APA");
- (4) all decisions as to the interpretation or application of Title IV of the LMRDA, and the APA Constitution and Bylaws relating to the supervised election will be determined by the DOL in the first instance, subject to review by the Court at the request of the APA or DFW APA;
- (5) after completion of the supervised election and resolution of any disputes or challenges, the DOL will certify to the Court the names of the persons so elected, and that the election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the APA Constitution and Bylaws; and
- (6) upon the Court's approval of the DOL's certification, the Court will enter a final judgment declaring that such persons have been elected as shown by the certificate to serve a full two-year term of office, and dismissing this action with prejudice, with each party to bear its own costs, fees (including attorney's fees), and expenses, as agreed between the parties and with the Secretary of

¹ The Amended Stipulation of Settlement is attached hereto as Exhibit A.

Labor bearing no part of any other party's costs, fees
(including attorney's fees), and expenses.

A proposed Consent Decree and Order is being sent to the Court's "orders" email
address.

Respectfully submitted,

JOHN R. PARKER
United States Attorney

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney
Texas Bar No. 24060668
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8626
Facsimile: 214-659-8807
brian.stoltz@usdoj.gov

/s/ Sanford R. Denison
SANFORD R. DENISON
Texas Bar No. 05655560
Baab & Denison, LLP
6301 Gaston Avenue, Suite 550
Dallas, Texas 75214
Telephone: (214) 637-0750
Facsimile: (214) 637-0730
Email: denison@baabdenison.com

Attorneys for Allied Pilots Association

Attorneys for Plaintiff

/s/ Mark D. Winnubst
Mark D. Winnubst
State Bar No. 21781200
SHEILS WINNUBST
A Professional Corporation
1100 Atrium II
1701 N. Collins Blvd.
Richardson, Texas 75080
Telephone: (972) 644-8181
Telecopier: (972) 644-8180
mark@sheilswinnubst.com

Attorneys for Dallas-Fort Worth Domicile,
Allied Pilots Association

Certificate of Conference

This is to certify that the parties have conferred about the relief requested herein, and are in agreement and thus present this motion as an agreed motion.

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney

Certificate of Service

On December 16, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney